

Application No. 10/734,671

Amendment dated November 7, 2007

Reply to Office Action dated August 24, 2007

**AMENDMENTS TO THE SPECIFICATION:**

Please amend paragraph 2 of page 17 of the Specification as follows:

There are two primary differences between the embodiments of Figs. 4 & 9 and that of Fig. 12. First, in the Fig. 12 embodiment, a plurality of marker elements 12b (two are shown, though any number may be employed) may be preloaded into the tube 54b, or in other words disposed within an inner lumen 56b of elongated tube member 54b each comprising a pre-formed spring which is deployed through the tube's distal region 90 in an axial direction. Second, the nature of the deployment mechanism utilizes a compressive rather than tensile force. It may further be noted that, though end deployment of the marker elements in the Fig. 12 embodiment is illustrated, they may be similarly deployed radially through a side port (not shown) in tube 54b, or at any other angle, to accommodate delivery through an existing instrument (i.e. cannula, needle, endoscope, laparoscope, or the like). In being deployed radially, the distal region 90 is not used for passage of the marker element and could be utilized to house a piercing element (not shown) similar to that shown in Figs. 1-3. Armed with the piercing element, this marker delivery system would not be dependent on a positioning system as described in Figs. 1-3 for placement at the tissue site and could be used alone in conjunction with a commercially available stereotactic or other guidance system. This concept may be applied to all subsequent embodiments except that illustrated in Fig. 16.